

Education Cabinet

Kentucky Board of Education

Department of Education

(Amendment)

702 KAR 7:125. Pupil attendance.

RELATES TO: KRS 157.320, 157.350, 157.360, 158.030, 158.060, 158.070, 158.100, 158.240, 159.010, 159.030, 159.035, 159.140, 159.170, 161.200

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.320, 158.060, 158.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.320 defines average daily attendance of pupils for funding purposes under the Support Education Excellence in Kentucky (SEEK) Program. KRS 157.360 bases SEEK funding upon average daily attendance. KRS 158.030, 158.100, and 159.030 establish the age for compulsory school attendance. KRS 158.060 defines the school day and month and make-up of school days missed. KRS 158.070 defines the school term. KRS 158.240 and 159.035 define attendance credit for moral instruction and 4-H activities. KRS 161.200 requires attendance records to be kept by teachers. This administrative regulation establishes a uniform method of recording pupil attendance.

~~[Section 1. (1) The local board of education, upon recommendation of the local school district superintendent, shall adopt a school calendar for the upcoming school year on or before May 15 of each year. The calendar shall:~~

~~(a) Establish the opening and closing dates of the school term;~~

- ~~(b) Establish beginning and ending dates of each school month;~~
- ~~(c) State the number of days of instruction;~~
- ~~(d) Establish the minimum length of the instructional day;~~
- ~~(e) State the instructional time the local board of education requires for kindergarten if in excess of the minimum three (3) hours of instruction;~~
- ~~(f) State whether the additional instructional time, if any, is planned to be banked to make up for full days which may be missed due to an emergency; and~~
- ~~(g) Designate days on which schools shall be dismissed.~~
- ~~(2) Opening day, for planning activities without the presence of pupils, shall be scheduled to occur prior to the first instructional day of the school term.~~
- ~~(3) Closing day, for planning activities without the presence of pupils, shall be scheduled to occur following the completion of the last instructional day of the school term.~~
- ~~(4) Local school districts shall plan appropriately for the make-up of instructional time missed due to emergency. In addition to the minimum 1,050 hour instructional term, the school calendar shall include days equal to the greatest number of days missed system-wide in the local school district over the preceding five (5) school years.~~
- ~~(5) Graduation ceremonies shall be scheduled to occur following completion of the instructional term.~~
- ~~(6) An up-to-date master (bell) schedule shall be on file in a school. Up-to-date master (bell) schedules for each school in a district shall be on file in the district's central office.~~
- ~~Section 2. (1) The local board of education shall file each adopted school calendar with the Department of Education no later than June 30 of each year. The local school district~~

1 shall not be paid any installment of its SEEK program allotment until the school calendar
2 has been approved by the Department of Education.

3 (2) The local board of education, upon recommendation of the local school district
4 superintendent, may amend the school calendar.

5 (3) An amended school calendar shall be submitted for approval to the Department of
6 Education no later than June 30 of each year.

7 Section 3. (1) The regularly scheduled school day shall not be shortened after the school
8 calendar has been adopted by the local board of education and approved by the
9 Department of Education except in cases of emergency declared by the local school
10 district superintendent in accordance with policies of the local board of education.

11 (2) The local school district shall be allowed a total of five (5) hours missed each school
12 year that do not have to be made up, and that occurred as a result of school days
13 shortened due to emergency. These hours shall be reported to the department on the
14 amended school calendar.

15 (3) Except as provided in subsection (2) of this section, all time missed on school days
16 shortened due to emergency shall be made up and shall be reported to the Department of
17 Education on the amended school calendar.

18 Section 4. (1) A school district shall not be considered for disaster days unless the district
19 has missed more than twenty (20) regular instructional days system wide. The local
20 school district shall make up at least the first twenty (20) regular instructional days
21 missed in a school year by adding these hours back into the school calendar.

~~(2) A local board of education request for district wide disaster days shall be submitted to the Commissioner of Education for approval. A copy of the local board order shall accompany this request.~~

~~Section 5. A local board of education may request disaster days if one (1) school, or part of the district, is forced to miss school on a particular day due to an emergency. The request shall be submitted to the Commissioner of Education for approval. A copy of the local board order shall accompany this request.~~

~~Section 6. (1) The following shall constitute the activities to be conducted during the instructional school day:~~

~~(a) Courses and content included in the "Program of Studies for Kentucky Schools, Grades Primary-12", pursuant to 704 KAR 3:303;~~

~~(b) Courses and activities included in the local school district program of studies for which a letter of assurance of compliance has been submitted to the Department of Education pursuant to 704 KAR 3:305;~~

~~(c) Cocurricular activities which are unequivocally instructional in nature, directly related to the instructional program and scheduled to minimize absences from classroom instruction; and~~

~~(d) A maximum of five (5) minutes passing time between instructional periods, and travel time required to participate in regular instructional programs off of the school campus including vocational schools, day treatment centers, and alternative schools. Travel time to off-campus facilities shall be scheduled to minimize absence from classroom instruction.~~

~~(2) The local board of education shall adopt a policy specifying cocurricular instructional activities which may be included in the instructional school day, as described in subsection (1)(c) of this section.~~

~~(3) Each school shall have available a master (bell) schedule that delineates instructional time periods and noninstructional time periods for all grade levels served and schedules provided.]~~

Section 1 [7]. (1) Daily attendance of pupils in elementary schools shall be determined by taking attendance one (1) time each day prior to the start of instruction and maintaining a student entry and exit log at each school.

(2) Daily attendance of pupils in middle and high school shall be determined by taking attendance by class period and maintaining a student entry and exit log at each school.

(3) The student entry and exit log shall include the date, student name, grade or homeroom, time of late arrival, time of early departure (with the reason for both listed) and other information required by the local board of education. For elementary students who are signed out, the student entry and exit log shall also include a signature of:

(a) A parent;

(b) A legal guardian; or

(c) An adult with proof of identification and for whom the school has received a written authorization from the parent or legal guardian.

(4) Pupils shall be physically present in the school to be counted in attendance except under the following conditions:

- 1 (a) The pupil is a participant in a cocurricular instructional activity that has been
2 authorized by the local board of education and is a definite part of the instructional
3 program of the school;
- 4 (b) The pupil is a participant in an activity as provided in either KRS 158.240 or 159.035;
- 5 (c) The pupil is participating in an off-site virtual high school class or block. A student
6 may be counted in attendance for a virtual high school class or block for the year or
7 semester in which the student initially enrolled in the class or block if the student
8 demonstrates proficiency in accordance with local policies required by 704 KAR 3:305,
9 Section 4 (3);
- 10 (d) The pupil's mental or physical condition prevents or renders inadvisable attendance in
11 a school setting, and the pupil meets the requirements of KRS 159.030(2). A pupil being
12 served in the home/hospital program shall receive a minimum of one (1) hour of
13 instruction two (2) times per five (5) instructional days;
- 14 (e) The student has been court ordered to receive educational services in a setting other
15 than the classroom. A pupil being served through a court order shall receive a minimum
16 of one (1) hour of instruction two (2) times per five (5) instructional days; or
- 17 (f) The student has an individual education plan (IEP) that requires less than full-time
18 instructional services.
- 19 (g) The pupil is participating in standards-based, performance-based credit that is
20 awarded in accordance with 704 KAR 3:305, Section 4(2)(b) and that falls within one (1)
21 or more of the categories of standards-based course work outlined in 704 KAR 3:305,
22 Section 4 (4). A student may be counted in attendance for performance-based credit for a
23 class or block for the year or semester in which the student initially enrolled in the class

or block if the student demonstrates proficiency in accordance with local policies required by 704 KAR 3:305, Section 4(3); or

(h) The pupil participates in a school that is authorized by the Commissioner of Education to design and deliver an educational program so that all graduation requirements are based on student proficiency of standards and performance, rather than time and carnegie units, as authorized in 704 KAR 3:305, Section 4.

(5) Even if a pupil's absence or tardy is due to factors beyond the pupil's control, including inclement weather or failure of the transportation system to operate, the pupil shall be counted absent or tardy.

(6) The local board of education shall determine by local board policy what constitutes an excused and an unexcused absence.

(7) A pupil shall not be allowed to make up absences for the purpose of including make-up activities in the calculation of average daily attendance.

Section 2 [8]. The guidelines in this subsection shall be used to calculate student attendance for state funding purposes.

(1) A full day of attendance shall be recorded for a pupil who is in attendance more than 84 [100] percent of the regularly-scheduled school day for the pupil's grade level.

(2) A tardy shall be recorded for a pupil who is absent less than 35 percent [sixty (60) minutes or less] of the regularly-scheduled school day for the pupil's grade level.

(3) A half day absence shall be recorded for a pupil who is absent 35 percent to 84 percent [The actual percentage of the school day shall be recorded for attendance of a pupil absent for more than sixty (60) minutes] of the regularly-scheduled school day for the pupil's grade level.

(4) A full day absence shall be recorded for a pupil who is absent more than 84 ~~[100]~~ percent of the regularly-scheduled school day for the pupil's grade level.

(5) The percentages described in this subsection shall apply to the regularly-scheduled school day approved by the local board of education and shall be applicable to entry level through grade level twelve (12).

Section 3 [9]. A local board of education may permit an arrangement whereby a pupil has a shortened school day in accordance with KRS 158.060, or local board of education policy. The time a student is in attendance shall be included in calculating the district's average daily attendance.

Section 4 [10]. A local board of education may permit an arrangement in which a pupil pursues part of the student's education under the direction and control of one (1) public school and part of the student's education under the direction and control of another public or nonpublic school. The time a student is served by public school shall be included when calculating the district's average daily attendance.

Section 5 [11]. If a local school district, under the provisions of KRS 157.360(6), enrolls a child with a disability in a private school or agency, the private school or agency shall certify the attendance of the child to the local school district at the close of each school month.

Section 6 [12]. (1) If a local school district enrolls a pupil in the entry level program who will not be five (5) years of age on or before October 1 of the year of enrollment, the total aggregate days attendance for the pupil shall not be included in calculating the district's average daily attendance.

(2) If a local school district enrolls a pupil in the second level of the primary program who will not be six (6) years of age on or before October 1 of the year of enrollment, the total aggregate days attendance for the pupil shall not be included in calculating the district's average daily attendance except under the following conditions:

(a) The local board of education shall have determined that the student is eligible for enrollment into the second level of the primary program after academic, social, and developmental progress records from multiple data sources are reviewed by a team and determined to support accelerated placement. These sources shall include:

1. Anecdotal records;
2. A variety of student work samples, including evidence of student self-reflection; and
3. Standardized test results;

(b) The team shall be comprised of three (3) members who have knowledge of the student's developmental skills and abilities. Team members shall be chosen from these categories:

1. Teachers;
2. Parents;
3. Psychologists;
4. Principals; or
5. District specialists;

(c) At least one (1) team member shall represent the district office and have an understanding of early childhood development and knowledge of developmentally-appropriate practices; and

(d) If a student is recommended by the local board of education for accelerated placement into the second level of the primary program, the district shall forward that recommendation to the department for approval with:

1. A list of data sources used in making the decision;
2. A list of all individuals who submitted the data sources;
3. A list of team members; and
4. The data needed to create a pupil attendance record.

(3) A local school district shall enroll any resident pupil, not holding a high school diploma, under the age of twenty-one (21) years of age who wishes to enroll. The days attended after the student's 21st birthday shall not be included in the calculation of the district's average daily attendance.

Section 7 [13]. The Growth Factor Report for the first two (2) school months of the school year pursuant to KRS 157.360(8) shall be submitted to the Department of Education within ten (10) business days following the last day of the second school month or by November 1 of each year, whichever occurs first.

Section 8 [14]. (1) A copy of the written agreement local boards of education execute for enrollment of nonresident pupils as provided by KRS 157.350(4) shall be submitted to the Department of Education no later than February 1 of the year prior to the school year to which it will apply. The written agreement shall include the specific terms to which the districts have agreed. A list of the names of all nonresident pupils enrolled in the district covered by the agreement shall be submitted to the Department of Education not later than November 1 of the school year covered by the agreement.

(2) A change may be made to the original nonresident pupil agreement up to the close of the school year to include the nonresident pupils enrolling after the close of the second school month. The amendment shall be submitted to the Department of Education no later than June 30 of each year.

Section 9 [~~15~~]. The superintendent's annual attendance report (SAAR) shall be considered the request to substitute prior year's average daily attendance for up to ten (10) designated weather-related low attendance days, and certification that the low attendance was due to inclement weather in accordance with KRS 157.320(17). Documentation that the low attendance was due to inclement weather shall be retained at the central office.

Section 10 [~~16~~]. (1) The school's records of daily attendance and teacher's monthly attendance reports, daily and class period absentee lists, student entry and exit logs, and the Home/Hospital Program Form, shall be the original source of attendance data for all pupils enrolled in the public common schools and shall be verified at the end of each school month.

(2) The school's records of daily attendance and teachers' monthly attendance reports shall be signed by a designated certified person within the elementary or secondary school who shall be responsible for verifying and certifying the state attendance documents for accuracy.

(3) The school's records of daily attendance and tenth month teacher's monthly attendance reports shall be retained at least twenty (20) years. The daily and class period absentee lists, and student entry and exit logs shall be retained at least two (2) full school years after the current school year.

- 1 Section 11 [47]. The following entry, reentry and withdrawal codes shall be used to
2 indicate the enrollment status of pupils:
- 3 (1) E01 - A pupil enrolled for the first time during the current year in either a public or
4 nonpublic school in the United States;
- 5 (2) E02 - A pupil previously enrolled during the current school year in either a public or
6 nonpublic school in another state who has not previously enrolled in Kentucky during the
7 current school year;
- 8 (3) E03 - A pupil enrolling for the first time during the current school year in either a
9 public or nonpublic school, who withdrew as a W06, W07, W13, W16 or W18 during the
10 2004-2005 school year or as a W24 or W25 for previous school years;
- 11 (4) R01 - A pupil received from another grade [~~homeroom~~] in the same school;
- 12 (5) R02 - A pupil received from another public school in the same public school district;
- 13 (6) R06 - A pupil reentering the school after dropping out, discharge or expulsion from a
14 school district in Kentucky during the current school year, who has not entered any other
15 school during the intervening period;
- 16 (7) R20 - A pupil previously enrolled in a home school in Kentucky during the current
17 school year;
- 18 (8) R21 - A pupil previously enrolled in any public or nonpublic school (excluding home
19 schools) in Kentucky during the current school year;
- 20 (9) W01 - A pupil transferred to another grade [~~homeroom~~] in the same school. The
21 reentry code to use with W01 shall be R01;
- 22 (10) W02 - A pupil transferred to another public school in the same public school district.
23 The reentry code to use with W02 shall be R02;

(11) W07 - A pupil withdrawn due to those communicable medical conditions that pose a threat in school environments listed in 902 KAR 2:020, Section 1(1), accompanied by a doctor's statement certifying the condition, or any other health-related condition for which the student is too ill to participate in regular school attendance or local homebound instructional services, or if the student has obtained a doctor's statement certifying the condition. The reentry code to use with W07 shall be R06;

(12) W08 - A pupil withdrawn due to death;

~~[(13) W09 - A pupil who has graduated or completed a 504 plan or an individual education plan prior to the end of the school term or year;]~~

(13) ~~[(14)]~~ W12 - A pupil under the jurisdiction of the court. For purposes of the W12 code, a pupil may be considered under the jurisdiction of the court on the day the petition is filed with the court. The reentry code to use with W12 shall be R06. For accountability purposes, a W12 shall be considered a dropout if the district cannot substantiate enrollment in the proper educational setting as designated by the court;

(14) ~~[(15)]~~ W17 - An entry level student in the primary program, withdrawn during the first two (2) months enrolled due to immaturity or mutual agreement by the parent, guardian or other custodian and the school in accordance with 704 KAR 5:060;

(15) ~~[(16)]~~ W20 - A pupil transferred to a home school. The reentry code to use with W20 shall be R20;

(16) ~~[(17)]~~ W21 - A pupil transferred to a nonpublic school (excluding home school). The reentry code to use with W21 shall be R21;

- 1 (17) ~~[(18)]~~ W22 - A pupil who has transferred to another public school district and for
- 2 whom a request for student records has been received or enrollment has been
- 3 substantiated, or a pupil who is known to have moved out of the United States;
- 4 (18) ~~[(19)]~~ W23 - A pupil withdrawn for a second or subsequent time who initially
- 5 withdrew as a W24 or W25 during the current school year;
- 6 (19) ~~[(20)]~~ W24 - A pupil who has moved out of this public school district for whom
- 7 enrollment elsewhere has not been substantiated;
- 8 (20) ~~[(21)]~~ W25 - A pupil who is at least sixteen (16) years of age and has dropped out of
- 9 public school;
- 10 (21) ~~[(22)]~~ W26 - A pupil who has withdrawn from school after completing a secondary
- 11 GED program and receiving a GED certificate; ~~[and]~~
- 12 (22) ~~[(23)]~~ W27 - a pupil ~~[student]~~ who has withdrawn from school and subsequently
- 13 received a GED;[-]
- 14 (23) W28 – a pupil who has reached the maximum age for education services without
- 15 receiving a diploma or certificate of attainment;
- 16 (24) C01 – a pupil who completes the school year in the school of the most current
- 17 enrollment;
- 18 (25) G01 – a pupil who graduates in less than four (4) years;
- 19 (26) G02 – a pupil who graduates in four (4) years;
- 20 (27) G03 – a pupil who graduates in five (5) or more years;
- 21 (28) G04 – a pupil who graduates in six (6) or more years, and;

(29) NS – a pupil who completed the prior year with a C01 and was expected to enroll in the district but did not enroll by October 1 of the current year whose enrollment elsewhere cannot be substantiated.

Section 12 [18]. (1) For a student who has been suspended, a code of S shall be used to indicate the days suspended.

(2) Suspension shall be considered an unexcused absence.

Section 13. The ethnicity of each student shall be designated as either Hispanic/Latino or not Hispanic/Latino.

Section 14 [19]. One or more of the [The] following racial [ethnic] codes shall be used to indicate the racial category [ethnic origin] of pupils:

(1) 1 - White [~~(not Hispanic)~~] - A person having origins in any of the original peoples of Europe, North Africa or the Middle East;

(2) 2 - Black [~~(not Hispanic)~~] - A person having origins in any of the black racial groups of Africa;

~~[(3) 3 - Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture of origin regardless of race;]~~

(3) [(4)] 4 - Asian [~~or Pacific Islander~~] - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent [~~, or the Pacific Islands~~];

(4) [(5)] 5 - American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition; and

(5) 7- Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

1 ~~[(6) 6—Other.]~~

2 Section (15) ~~[20]~~. (1) The Student Dropout Questionnaire shall be completed during the
 3 one (1) hour counseling session mandated in accordance with KRS 159.010. Dropout
 4 data shall be reported to the Department of Education on the non academic data report
 5 that is submitted to the Department each year. ~~[Information obtained from this survey~~
 6 ~~shall be submitted to the Department of Education on the local Superintendent's Annual~~
 7 ~~Attendance Report no later than June 30 of each year.]~~

8 (2) The request for records and other information involving the withdrawal and transfer
 9 of pupils shall be processed by the local superintendent or his designee pursuant to KRS
 10 159.170, and shall be maintained in the student's permanent file.

11 ~~[Section 21. Incorporation by Reference. (1) The following material is incorporated by~~
 12 ~~reference:~~

13 ~~(a) "Growth Factor Report", June 2004;~~

14 ~~(b) "Superintendent's Annual Attendance Report", June 2004; and~~

15 ~~(c) "Student Dropout Questionnaire", December 2002.~~

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 17 ~~law, at the Department of Education, Division of Finance, 15th Floor, Capital Plaza~~
 18 ~~Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to~~
 19 ~~4:30 p.m.]~~